

FILED

MAR 26 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HYNIX SEMICONDUCTOR INC.; HYNIX
SEMICONDUCTOR AMERICA, INC.;
HYNIX SEMICONDUCTOR U.K. LTD.; and
HYNIX SEMICONDUCTOR
DEUTSCHLAND GmbH,

Plaintiffs,

vs.

RAMBUS INC.,

Defendant.

CASE NO. C 00-20905 RMW

SPECIAL VERDICT FORM

Judge: Hon. Ronald M. Whyte

RAMBUS INC.,

Plaintiff,

vs.

HYNIX SEMICONDUCTOR INC., HYNIX
SEMICONDUCTOR AMERICA INC.,
HYNIX SEMICONDUCTOR
MANUFACTURING AMERICA INC.,

NANYA TECHNOLOGY CORPORATION,
NANCY TECHNOLOGY CORPORATION
U.S.A.,

Defendants.

CASE NO. C 05-00334 RMW

RAMBUS INC.,

Plaintiff,

vs.

MICRON TECHNOLOGY, INC., and
MICRON SEMICONDUCTOR PRODUCTS,
INC.,

Defendants.

CASE NO. C 06-00244 RMW

We, the jury in the above-entitled actions, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict:

FINDINGS ON ANTITRUST CLAIMS

I. Alleged Violation of the Sherman Act: Monopolization

Questions 1-6 below relate to Manufacturers' claims for unlawful monopolization under the Sherman Act.

1. Do you find that it is more likely than not that any of the following technology markets exist? Please respond for each market.

Technology Markets	Yes	No
a. Latency technology market	X	
b. Burst length technology market	X	
c. Data acceleration technology market	X	
d. Clock synchronization technology market	X	
e. Precharge technology market	X	
f. Write latency technology market	X	

If you answered "Yes" to any part of 1, please answer question 2; if you answered "No" to all parts of question 1, please continue to Section III.

2. With respect to any of the markets for which you answered "Yes" to question 1, do you find it more likely than not that a geographic market comprising the United States of America exists (write N/A if you answered "No" to a market above)?

Technology Markets	Yes	No
a. Latency technology market	X	
b. Burst length technology market	X	
c. Data acceleration technology market	X	
d. Clock synchronization technology market	X	
e. Precharge technology market	X	
f. Write latency technology market	X	

If you answered "Yes" to any part of 2, please answer question 3 if you answered "No" or "N/A" to all parts of question 2, please continue to Section III.

3. For each market you have found to exist in your response to questions 1 and 2, do you find it more likely than not that Rambus has monopoly power in that market? (Enter N/A for any market for which you answered "No" to questions 1 or 2)

Technology Market	Monopoly Power?	
	Yes	No
a. Latency technology market	X	
b. Burst length technology market	X	
c. Data acceleration technology market	X	
d. Clock synchronization technology market	X	
e. Precharge technology market	X	
f. Write latency technology market	X	

If you answered "Yes" to any part of 3, please answer question 4; if you answered "No" or "N/A" to all parts of question 3, please continue to Section II.

4. For each market you have found to exist, do you find it more likely than not that Rambus acquired or maintained its monopoly power through anticompetitive conduct? (Enter N/A for any market for which you answered "No" to questions 1, 2, or 3)

Technology Market	Anticompetitive conduct?	
	Yes	No
a. Latency technology market		X
b. Burst length technology market		X
c. Data acceleration technology market		X
d. Clock synchronization technology market		X
e. Precharge technology market		X
f. Write latency technology market		X

If you answered "Yes" to any part of question 4, please answer question 5; if you answered "No" or "N/A" to all parts of question 4, please continue to Section II.

5. Do you find that it is more likely than not that Rambus's anticompetitive conduct was a material cause of antitrust injury for any of the following parties:

	Yes	No
Hynix		
Micron		
Nanya		

If you answered "Yes" to question 5 for any party, please answer question 6; if you answered "No" for all parties, please continue to Section II.

6a. Did Rambus proffer any legitimate business reason for the acts or omissions that resulted in its monopoly power?

Yes _____ No _____

If you answered "Yes" to question 6a, please answer question 6b; if you answered "No" for 6a, please continue to Section II.

6b. Do you find that it is more likely than not that the anticompetitive effect of Rambus's conduct that resulted in its monopoly power outweighed the procompetitive effect of that conduct?

Yes _____ No _____

Please proceed to Section II.

II. Violation of the Sherman Act: Attempted Monopolization

Questions 7-11 below relate to Manufacturers' claims for attempted monopolization under the Sherman Act.

7. For the market(s) that you found to exist in response to questions 1 and 2 in Section I above, do you find that it is more likely than not that Rambus had a specific intent to achieve

monopoly power in one or more of those markets? *[If you answered "No" to any part of question 1 or 2, please mark "N/A" for that market.]*

Markets	Specific Intent to Monopolize?	
	Yes	No
a. Latency technology market	X	
b. Burst length technology market	X	
c. Data acceleration technology market	X	
d. Clock synchronization technology market	X	
e. Precharge technology market	X	
f. Write latency technology market	X	

If you answered "Yes" to any part of question 7, please answer question 8; if you answered "No" or "N/A" to all parts, please continue to Section III.

8. For each market you have found to exist, do you find it more likely than not that Rambus engaged in anticompetitive conduct? *[If you answered "No" to any part of question 1, 2, or 7, please mark "N/A" for that market.]*

Technology Market	Anticompetitive conduct?	
	Yes	No
a. Latency technology market		X
b. Burst length technology market		X
c. Data acceleration technology market		X
d. Clock synchronization technology market		X
e. Precharge technology market		X
f. Write latency technology market		X

If you answered "Yes" to any part of question 8, please answer question 9; if you answered "No" or "N/A" to all parts, please continue to Section III.

9. With respect to the market(s) to which you answered "Yes" in response to question 7, do you find that there was a substantial and real likelihood that Rambus would achieve monopoly power in one or more of those markets? *[If you answered "No" to any part of question 1, 2, 7, or 8, please mark "N/A" for that market.]*

Markets	Substantial and real likelihood?	
	Yes	No
a. Latency technology market		
b. Burst length technology market		
c. Data acceleration technology market		
d. Clock synchronization technology market		
e. Precharge technology market		
f. Write latency technology market		

If you answered "Yes" to any part of question 9, please answer question 10; if you answered "No" or "N/A" to all parts, please continue to Section III.

10. Do you find that it is more likely than not that Rambus's anticompetitive conduct was a material cause of antitrust injury for any of the following parties?

	Yes	No
Hynix		
Micron		
Nanya		

If you answered "Yes" to question 10 for any party, please answer question 11; if you answered "No" for all parties, please continue to Section III.

11a. Did Rambus proffer any legitimate business reason for the acts or omissions that resulted in an anticompetitive effect?

Yes _____ No _____

If you answered "Yes" to question 11a, please answer question 11b; if you answered "No" for 6a, please continue to Section III.

1
2 **11b.** Do you find that it is more likely than not that the anticompetitive effect of Rambus's
3 conduct that resulted in an anticompetitive effect outweighed the procompetitive effect of that
4 conduct?

5 Yes _____ No _____

6 *Please proceed to Section III.*
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FINDINGS ON FRAUD CLAIMS

III. Fraud

A. Intentional Misrepresentation: Please answer the following questions as to each

Manufacturer:

Hynix

12. Did Rambus make important representations that it did not have any intellectual property pertaining to the work of JEDEC and intend or reasonably expect that the representations would be heard by or repeated to others including Hynix?

Yes _____ No X

If you answered "Yes" to question 12, please answer question 13; if you answered "No" please continue to Micron.

13. Were Rambus's representations false?

Yes _____ No _____

If you answered "Yes" to question 13, please answer question 14; if you answered "No" please continue to Micron.

14. Did Rambus either know that the representations were false when it made them or make the representations recklessly and without regard for their truth?

Yes _____ No _____

If you answered "Yes" to question 14, please answer question 15; if you answered "No" please continue to Micron.

15. Did Rambus intend for Hynix to rely on the representations?

Yes _____ No _____

If you answered "Yes" to question 15, please answer question 16; if you answered "No" please continue to Micron.

16. Did Hynix reasonably rely on Rambus's representations?

Yes _____ No _____

If you answered "Yes" to question 16, please answer question 17; if you answered "No" please continue to Micron.

1
2 17. Was Hynix harmed?

3 Yes _____ No _____

4 *If you answered "Yes" to question 17, please answer question 18; if you answered "No"*
5 *please continue to Micron.*

6 18. Were Rambus's representations a substantial factor in causing Hynix's harm?

7 Yes _____ No _____

8 *Please continue to Micron.*

9
10 **Micron**

11 19. Did Rambus make important representations that it did not have any intellectual property
12 pertaining to the work of JEDEC and intend or reasonably expect that the representations would
13 be heard by or repeated to others including Micron?

13 Yes _____ No X _____

14 *If you answered "Yes" to question 19, please answer question 20; if you answered "No"*
15 *please continue to Nanya.*

16 20. Were Rambus's representations false?

17 Yes _____ No _____

18 *If you answered "Yes" to question 20, please answer question 21; if you answered "No"*
19 *please continue to Nanya.*

20 21. Did Rambus either know that the representations were false when it made them or make
21 the representations recklessly and without regard for their truth?

21 Yes _____ No _____

22 *If you answered "Yes" to question 21, please answer question 22; if you answered "No"*
23 *please continue to Nanya.*

24 22. Did Rambus intend for Micron to rely on the representations?

25 Yes _____ No _____

26 *If you answered "Yes" to question 22, please answer question 23; if you answered "No"*
27 *please continue to Nanya.*

28 23. Did Micron reasonably rely on Rambus's representations?

Yes _____ No _____

If you answered "Yes" to question 23, please answer question 24; if you answered "No" please continue to Nanya.

24. Was Micron harmed?

Yes _____ No _____

If you answered "Yes" to question 24, please answer question 25; if you answered "No" please continue to Nanya.

25. Were Rambus's representations a substantial factor in causing Micron's harm?

Yes _____ No _____

Please continue to Nanya.

Nanya

26. Did Rambus make important representations that it did not have any intellectual property pertaining to the work of JEDEC and intend or reasonably expect that the representations would be heard by or repeated to others including Nanya?

Yes _____ No X

If you answered "Yes" to question 26, please answer question 27; if you answered "No" please continue to Section III-B.

27. Were Rambus's representations false?

Yes _____ No _____

If you answered "Yes" to question 27, please answer question 28; if you answered "No" please continue to Section III-B.

28. Did Rambus either know that the representations were false when it made them or make the representations recklessly and without regard for their truth?

Yes _____ No _____

If you answered "Yes" to question 28, please answer question 29; if you answered "No" please continue to Section III-B.

29. Did Rambus intend for Nanya to rely on the representations?

Yes _____ No _____

If you answered "Yes" to question 29, please answer question 30; if you answered "No" please continue to Section III-B.

30. Did Nanya reasonably rely on Rambus's representations?

Yes _____ No _____

Please continue to Section III-B – there are no questions for you to answer regarding harm to Nanya.

B. Concealment: Please answer the following questions as to each Manufacturer:

Half-truths

31. Did Rambus utter half-truths about its intellectual property coverage or potential coverage of products compliant with synchronous DRAM standards then being considered by JEDEC by disclosing some facts but failing to disclose other important facts, making the disclosure deceptive?

Yes _____ No X _____

If you answered "Yes" to question 31, please answer question 32; if you answered "No" please continue to Omissions.

32. Did Hynix not know of the concealed or omitted fact?

Yes _____ No _____

If you answered "Yes" to question 32, please answer question 33; if you answered "No" please continue to 37.

33. Did Rambus intend to deceive Hynix by concealing or omitting the fact and intend or reasonably expect that the concealment would be relied on by Hynix?

Yes _____ No _____

If you answered "Yes" to question 33, please answer question 34; if you answered "No" please continue to 37.

34. Did Hynix reasonably rely on Rambus's concealment?

Yes _____ No _____

If you answered "Yes" to question 34, please answer question 35; if you answered "No" please continue to 37.

35. Was Hynix harmed?

Yes _____ No _____

1 *If you answered "Yes" to question 35, please answer question 36; if you answered "No"*
2 *please continue to 37.*

3 36. Were Rambus's half-truths a substantial factor in causing Hynix's harm?

4 Yes _____ No _____

5 *Please continue to 37.*

6 37. Did Micron not know of the concealed or omitted fact?

7 Yes _____ No _____

8 *If you answered "Yes" to question 37, please answer question 38; if you answered "No"*
9 *please continue to 42.*

10 38. Did Rambus intend to deceive Micron by concealing or omitting the fact and intend or
11 reasonably expect that the concealment would be relied on by Micron?

12 Yes _____ No _____

13 *If you answered "Yes" to question 38, please answer question 39; if you answered "No"*
14 *please continue to 42.*

15 39. Did Micron reasonably rely on Rambus's concealment?

16 Yes _____ No _____

17 *If you answered "Yes" to question 39, please answer question 40; if you answered "No"*
18 *please continue to 42.*

19 40. Was Micron harmed?

20 Yes _____ No _____

21 *If you answered "Yes" to question 40, please answer question 41; if you answered "No"*
22 *please continue to 42.*

23 41. Were Rambus's half-truths a substantial factor in causing Micron's harm?

24 Yes _____ No _____

25 *Please continue to 42.*

26 42. Did Nanya not know of the concealed or omitted fact?

27 Yes _____ No _____

28 *If you answered "Yes" to question 42, please answer question 43; if you answered "No"*
please continue to Omissions.

1 43. Did Rambus intend to deceive Nanya by concealing or omitting the fact and intend or
2 reasonably expect that the concealment would be relied on by Nanya?

3 Yes _____ No _____

4 *If you answered "Yes" to question 43, please answer question 44; if you answered "No"*
5 *please continue to Omissions.*

6 44. Did Nanya reasonably rely on Rambus's concealment?

7 Yes _____ No _____

8 *Please continue to Omissions.*

9 **Omissions**

10 45. Did JEDEC members share a clearly defined expectation that members would disclose
11 relevant knowledge they had about patent applications or the intent to file patent applications on
12 technology being considered for adoption as a JEDEC standard?

13 Yes _____ No X

14 *If you answered "Yes" to question 45, please answer question 46; if you answered "No"*
please continue to Section III-C.

15 46. Did Rambus intentionally fail to disclose an important fact concerning its intellectual
16 property coverage or potential coverage of products compliant with DRAM standards then being
17 considered by JEDEC that was known only to Rambus and which Hynix could not have
18 reasonably discovered?

19 Yes _____ No _____

20 *If you answered "Yes" to question 46, please answer question 47; if you answered "No"*
21 *please continue to 52.*

22 47. Did Hynix not know of the concealed or omitted fact?

23 Yes _____ No _____

24 *If you answered "Yes" to question 47, please answer question 48; if you answered "No"*
25 *please continue to 52.*

26 48. Did Rambus intend to deceive Hynix by concealing or omitting the fact and intend or
27 reasonably expect that the concealment would be relied on by Hynix?

28 Yes _____ No _____

If you answered "Yes" to question 48, please answer question 49; if you answered "No"
please continue to 52.

1 49. Did Hynix reasonably rely on Rambus's concealment?

2 Yes _____ No _____

3 *If you answered "Yes" to question 49, please answer question 50; if you answered "No"*
4 *please continue to 52.*

5 50. Was Hynix harmed?

6 Yes _____ No _____

7 *If you answered "Yes" to question 50, please answer question 51; if you answered "No"*
8 *please continue to 52.*

9 51. Were Rambus's omissions a substantial factor in causing Hynix's harm?

10 Yes _____ No _____

11 *Please continue to 52.*

12 52. Did Rambus actively conceal its intellectual property coverage or potential coverage of
13 products compliant with DRAM standards then being considered by JEDEC or prevent Hynix
14 from discovering the fact?

15 Yes _____ No _____

16 *If you answered "Yes" to question 52, please answer question 53; if you answered "No"*
17 *please continue to 58.*

18 53. Did Hynix not know of the concealed or omitted fact?

19 Yes _____ No _____

20 *If you answered "Yes" to question 53, please answer question 54; if you answered "No"*
21 *please continue to 58.*

22 54. Did Rambus intend to deceive Hynix by concealing or omitting the fact and intend or
23 reasonably expect that the concealment would be relied on by Hynix?

24 Yes _____ No _____

25 *If you answered "Yes" to question 54, please answer question 55; if you answered "No"*
26 *please continue to 58.*

27 55. Did Hynix reasonably rely on Rambus's concealment?

28 Yes _____ No _____

If you answered "Yes" to question 55, please answer question 56; if you answered "No"
please continue to 58.

56. Was Hynix harmed?

Yes _____ No _____

If you answered "Yes" to question 56, please answer question 57; if you answered "No" please continue to 58.

57. Was Rambus's concealment a substantial factor in causing Hynix's harm?

Yes _____ No _____

Please continue to 58.

58. Did Rambus intentionally fail to disclose an important fact concerning its intellectual property coverage or potential coverage of products compliant with DRAM standards then being considered by JEDEC that was known only to Rambus and which Micron could not have reasonably discovered?

Yes _____ No _____

If you answered "Yes" to question 58, please answer question 59; if you answered "No" please continue to 64.

59. Did Micron not know of the concealed or omitted fact?

Yes _____ No _____

If you answered "Yes" to question 59, please answer question 60; if you answered "No" please continue to 64.

60. Did Rambus intend to deceive Micron by concealing or omitting the fact and intend or reasonably expect that the concealment would be relied on by Micron?

Yes _____ No _____

If you answered "Yes" to question 60, please answer question 61; if you answered "No" please continue to 64.

61. Did Micron reasonably rely on Rambus's concealment?

Yes _____ No _____

If you answered "Yes" to question 61, please answer question 62; if you answered "No" please continue to 64.

62. Was Micron harmed?

Yes _____ No _____

If you answered "Yes" to question 62, please answer question 63; if you answered "No" please continue to 64.

63. Were Rambus's omissions a substantial factor in causing Micron's harm?

Yes _____ No _____

Please continue to 64.

64. Did Rambus actively conceal its intellectual property coverage or potential coverage of products compliant with DRAM standards then being considered by JEDEC or prevent Micron from discovering the fact?

Yes _____ No _____

If you answered "Yes" to question 64, please answer question 65; if you answered "No" please continue to 70.

65. Did Micron not know of the concealed or omitted fact?

Yes _____ No _____

If you answered "Yes" to question 65, please answer question 66; if you answered "No" please continue to 70.

66. Did Rambus intend to deceive Micron by concealing or omitting the fact and intend or reasonably expect that the concealment would be relied on by Micron?

Yes _____ No _____

If you answered "Yes" to question 66, please answer question 67; if you answered "No" please continue to 70.

67. Did Micron reasonably rely on Rambus's concealment?

Yes _____ No _____

If you answered "Yes" to question 67, please answer question 68; if you answered "No" please continue to 70.

68. Was Micron harmed?

Yes _____ No _____

If you answered "Yes" to question 68, please answer question 69; if you answered "No" please continue to 70.

69. Was Rambus's concealment a substantial factor in causing Micron's harm?

Yes _____ No _____

Please continue to 70.

70. Did Rambus intentionally fail to disclose an important fact concerning its intellectual property coverage or potential coverage of products compliant with DRAM standards then being considered by JEDEC that was known only to Rambus and which Nanya could not have reasonably discovered?

1
2 Yes _____ No _____

3 *If you answered "Yes" to question 70, please answer question 71; if you answered "No"*
4 *please continue to 74.*

5 71. Did Nanya not know of the concealed or omitted fact?

6 Yes _____ No _____

7 *If you answered "Yes" to question 71, please answer question 72; if you answered "No"*
8 *please continue to 74.*

9 72. Did Rambus intend to deceive Nanya by concealing or omitting the fact and intend or
10 reasonably expect that the concealment would be relied on by Nanya?

11 Yes _____ No _____

12 *If you answered "Yes" to question 72, please answer question 73; if you answered "No"*
13 *please continue to 74.*

14 73. Did Nanya reasonably rely on Rambus's concealment?

15 Yes _____ No _____

16 *Please continue to 74.*

17 74. Did Rambus actively conceal its intellectual property coverage or potential coverage of
18 products compliant with DRAM standards then being considered by JEDEC or prevent Nanya
19 from discovering the fact?

20 Yes _____ No _____

21 *If you answered "Yes" to question 74, please answer question 75; if you answered "No"*
22 *please continue to Section III-C.*

23 75. Did Nanya not know of the concealed or omitted fact?

24 Yes _____ No _____

25 *If you answered "Yes" to question 75, please answer question 76; if you answered "No"*
26 *please continue to Section III-C.*

27 76. Did Rambus intend to deceive Nanya by concealing or omitting the fact and intend or
28 reasonably expect that the concealment would be relied on by Nanya?

Yes _____ No _____

If you answered "Yes" to question 76, please answer question 77; if you answered "No"
please continue to Section III-C.

77. Did Nanya reasonably rely on Rambus's concealment?

Yes _____ No _____

Please continue to Section III-C.

C. Nominal Damages. If you answered "Yes" to any of 18, 36, 51, or 57 you must award Hynix nominal damages in the amount of \$1.00 in the field below. If you answered "Yes" to any of 25, 41, 63, or 69 you must award Micron nominal damages in the amount of \$1.00 in the field below.

Hynix: \$ N/A

Micron: \$ N/A

D. Punitive Damages. If you awarded \$1.00 in any of the fields in Section III-C above, please also state whether you find by clear and convincing evidence that Rambus's conduct involved malice or fraud and was intended to harm Hynix or Micron:

Plaintiff	Yes	No
Hynix		
Micron		

Please have your foreperson sign and date your verdict form and return it to the Court.

Date: 3/26/08

Foreperson:


ANN HENNON